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4 UNITED STATES DISTRICT COURT
5 FOR THE WESTERN DISTRICT OF WASHINGTON
6 AT SEATTLE

7 HERBERT E. TOWNSEND, an individual,

8 Plaintiff,

9 v.

10 BROOKS SPORTS, INC., a Washington
corporation,

11 Defendant.

Case No. C17-1322 RSM

ORDER GRANTING DEFENDANT
BROOKS SPORTS, INC.'S MOTION TO
STAY PENDING *INTER PARTES* REVIEW

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13 THIS MATTER COMES before the Court on Defendant Brooks Sports, Inc.'s Motion to
14 Stay Pending *Inter Partes* Review. Dkt. #76. Having reviewed the motion, Plaintiff's
15 opposition thereto, and the Reply in support thereof, along with the remainder of the record, the
16 Court agrees that this matter should be STAYED for the reasons set forth by Defendant.

17 Accordingly, the Court hereby finds and ORDERS:

- 18 1. Defendant's Motion to Stay (Dkt. #76) is GRANTED and this matter is STAYED.
- 19 2. The parties shall file a joint status report within 14 days of any decision by the Patent
20 Trial and Appeal Board regarding whether to institute an *inter partes* review
21 proceeding, and within 14 days of any final written decision by the Patent Trial and
22 Appeal Board as to the validity of any claim of U.S. Patent No. 7,490,416.
- 23 3. All pending motions (Dkts. #72, #78, #79, #87, #89 and #90) shall be removed from
24 the Court's calendar. If and when the stay is lifted in this matter, the parties shall
25 inform the Court as to whether any of those motions should again be placed on the
26 Court's calendar for a decision.

1 4. All discovery and all pending deadlines in this matter are also STAYED. If and when
2 the stay is lifted, the Court shall reset all deadlines occurring after March 1, 2018.
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4 DATED this 11th day of April 2018.
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7 RICARDO S. MARTINEZ
8 CHIEF UNITED STATES DISTRICT JUDGE
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